

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 97-095-S - ORDER NO. 97-443

MAY 21, 1997

IN RE: George Kreese,)	ORDER
)	GRANTING MOTION
Complainant,)	TO WITHDRAW
)	
vs.)	
)	
Palmetto Utilities, Inc.,)	
)	
Respondent.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the May 15, 1997 Motion of the Complainant George T. Kreese, Jr. (Kreese or the Complainant) to withdraw his complaint, or in the alternative, to dismiss his complaint without prejudice against the Respondent Palmetto Utilities, Inc. (Palmetto or the Respondent). Kreese notes through his attorney that it has become evident to the Complainant as part of the exchange of testimony between the parties, that the Respondent Palmetto has no objections to the Complainant contacting other municipal providers to determine if they are willing or capable of providing sewer service. Kreese states that this was not clear to the Complainant prior to the exchange of testimony. Further, the Complainant states, among other things,

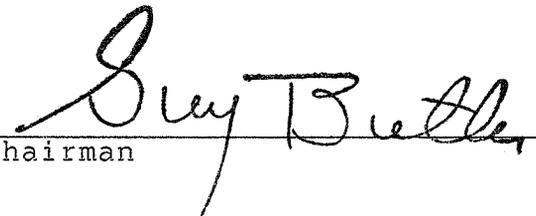
that he is interested in pursuing other possible alternatives with the Respondent which could result in the satisfaction of his complaint.

Palmetto has filed a Return to the Motion, and states, among other things, that the complaint should be dismissed without prejudice only on the condition that if the Complainant refiles his complaint, that he should be required to proceed based upon the record currently before the Commission. According to Palmetto, the Complainant should be prohibited from submitting any new pleadings, testimony, discovery, motions or other papers in connection with this matter; he should be confined to litigating the issue in its present posture.

We have examined this matter, and believe that Krees should be allowed to withdraw this complaint without prejudice. While we find that the suggestion of Palmetto that we "freeze" the record currently before the Commission has merit, we hereby hold our decision on this point in abeyance.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)